761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 12, 2016

FROM: KELLEY S. FRASER, COMMANDER
SOUTH PATROL DIVISION

TO: DENNIS M. KNEER , CAPTAIN
PALMDALE STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2398894
Incident:	Use of Force
Incident Date:	September 15, 2015
Unit:	Palmdale Station
Suspect:	Jack, David Allan MW/062469
Involved Employees:	Deputy David Ibanez #[redacted] Deputy David Roach #[redacted] Deputy [redacted] #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	July 7, 2016

The Executive Force Review Committee (EFRC) consisting of Commanders Kelley S. Fraser, Ralph J. Webb and John S. Benedict met and reviewed the above case.

FINDINGS:

The EFRC determined the use of force and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC made no recommendations.

KSF:TLB:tlb

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 915 - 13317 - 2611 - 145		Date: 09/15/15	Time: 0530
Location: [redacted]		City or Station: Palmdale	
Bureau/Station/Facility: North Patrol Division / Palmdale		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Control Holds / Resisted Handcuffing / Takedown / Hobble			
Incident Category: ○ 1 ○ 2 ◉ 3		Deputy Injury: ○ YES ◉ NO	Suspect Injury ◉ YES ○ NO
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. Slade Carrizosa	Emp: [redacted]	IAB Roll Out ○ YES ◉ NO

Involved Employee

E 1

Employee #: [redacted]	Last Name: Ibanez	First Name: David	Middle I.:	Rank: DSG	
Sex: ◉ M ○ F	Race: H	Height: 508	Weight: 150	Age: [redacted]	Shift: ◉ EM ○ Day ○ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: North Patrol Division / Palmdale		Work Assignment (Unit #, Module, etc.): 263J			
Individual Force Used: Control Holds, Resisted Handcuffing		○ Directed ○ Rescue ○ Medical Assist		Individual Category: ○ 1 ○ 2 ◉ 3	
☐ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #:	

E 2

Employee #: [redacted]	Last Name: Roach	First Name: David	Middle I.: J	Rank: DSG	
Sex: ◉ M ○ F	Race: W	Height: 508	Weight: 185	Age: [redacted]	Shift: ◉ EM ○ Day ○ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: North Patrol Division / Palmdale		Work Assignment (Unit #, Module, etc.): 260X1			
Individual Force Used: Control Holds, Takedown, Resisted Handcuffing		○ Directed ○ Rescue ○ Medical Assist		Individual Category: ○ 1 ○ 2 ◉ 3	
☐ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #:	

E 3

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.: [redacted]	Rank: DSG	
Sex: ◉ M ○ F	Race: W	Height: 511	Weight: 180	Age: [redacted]	Shift: ◉ EM ○ Day ○ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: North Patrol Division / Palmdale		Work Assignment (Unit #, Module, etc.): 265			
Individual Force Used: Hobble		○ Directed ○ Rescue ○ Medical Assist		Individual Category: ○ 1 ○ 2 ◉ 3	
☐ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #:	

On Duty Supervisor

☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Vensel	John	D	SGT	YES ◉ NO ○	YES ○ NO ◉

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Dang	Luan	V	SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Wright	Ken	F	LT

Watch Commander / Supervising Lieutenant's **Signature:** ______ Date ______ Copy Provided to Employee by: ______ Emp #: ______

Unit Commander **(Print Name)** ______ Unit Commander's **Signature**: ______ Emp #: ______ Date ______

DISCOVERY Use Only
FO# 2398894

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

915 - 13317 - 2611 - 145

Involved Employee

E4

Employee # [redacted] | Last Name [redacted] | First Name [redacted] | Middle I. [redacted] | Rank DSG

Sex: (●) M ( ) F | Race: W | Height: 600 | Weight: 260 | Age: [redacted] | Shift: (●) EM ( ) Day ( ) PM | (●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: North Patrol Division / Palmdale | Work Assignment (Unit #, Module, etc.): 266A

Individual Force Used: Control Holds | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category ( ) 1 ( ) 2 (●) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ | Coroner Case #

E__

Employee # | Last Name | First Name | Middle I. | Rank

Sex: ( ) M ( ) F | Race: | Height: | Weight: | Age: | Shift: ( ) EM ( ) Day ( ) PM | ( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Individual Force Used: | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ | Coroner Case #

E__

Employee # | Last Name | First Name | Middle I. | Rank

Sex: ( ) M ( ) F | Race: | Height: | Weight: | Age: | Shift: ( ) EM ( ) Day ( ) PM | ( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Individual Force Used: | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ | Coroner Case #

E__

Employee # | Last Name | First Name | Middle I. | Rank

Sex: ( ) M ( ) F | Race: | Height: | Weight: | Age: | Shift: ( ) EM ( ) Day ( ) PM | ( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Individual Force Used: | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ | Coroner Case #

E__

Employee # | Last Name | First Name | Middle I. | Rank

Sex: ( ) M ( ) F | Race: | Height: | Weight: | Age: | Shift: ( ) EM ( ) Day ( ) PM | ( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Individual Force Used: | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ | Coroner Case #

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

915 - 13317 - 2611 - 145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Dana	Charles	B

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Palmdale Station	265	(●) EM ( ) Day ( ) PM	(●) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Sanchez	Desiree	A

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Palmdale Station	266A	(●) EM ( ) Day ( ) PM	(●) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		( ) EM ( ) Day ( ) PM	( ) Regular ( ) OT ( ) Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	21	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		32	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 5 - 1 3 3 1 7 - 2 6 1 1 - 1 4 5

Suspect Information

S 1

Last Name: Jack	First Name: David	Middle Name: Allan	Armed? Select: Not Armed
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	Weight	D.O.B	Phone #1	Phone #2
(•) Male ( ) Female	W	46	603	270	06/24/69	(•) H ( ) W ( ) C	( ) H ( ) W ( ) C

Street Address: [redacted] City: [redacted] State & Zip Code: [redacted]

Booking #: 4444436 Primary Charge Code: 69 PC Secondary Charge Code: 594(b)(2) PC [redacted] Criminal History

Treated on Scene? (•) YES ( ) NO Name: Captain Hamburg Unit: Engine 37 Phone #: (661) 947-7244

Hospital Admission? ☐ Rec'd Treatment At: PRMC Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Doctor John Stroh Address: 38600 Medical Center Dr. Palmdale CA Phone #: (661) 382-5000

Under Influence: ( ) YES (•) NO Substance: None 5150 a factor in force? ( ) YES (•) NO User's guide provides direction on this entry

Suspect Interview

Date: 09/15/15 Time: 1100ds ☒ Audiotape: ☒ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:	Armed? Select:
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	D.O.B.	Weight	Phone #1	Phone #2
( ) Male ( ) Female						( ) H ( ) W ( ) C	( ) H ( ) W ( ) C

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ( ) YES ( ) NO Substance: 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:	Armed? Select:
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	D.O.B.	Weight	Phone #1	Phone #2
( ) Male ( ) Female						( ) H ( ) W ( ) C	( ) H ( ) W ( ) C

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ( ) YES ( ) NO Substance: 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force

9 1 5 - 1 3 3 1 7 - 2 6 1 1 - 1 4 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Jack	S#1	Ibanez	E#1	RS	NN	N/A
Ibanez	E#1	Jack	S#1	CT	NN	WR
Jack	S#1	Roach	E#2	RS	NN	N/A
Roach	E#2	Jack	S#1	CT	NN	AR
Jack	S#1	Ibanez	E#1	HR	NN	AR
Ibanez	E#1	Jack	S#1	CT	NN	AR
Jack	S#1	Roach	E#2	HR	NN	AR
Roach	E#2	Jack	S#1	TD	LC	HE
Jack	S#1	[redacted]	E#4	HR	NN	AR
[redacted]	E#4	Jack	S#1	CT	NN	AR
Jack	S#1	[redacted]	E#3	PK	NN	LE
[redacted]	E#3	Jack	S#1	CT	NN	LE
[redacted]	E#4	Jack	S#1	HB	NN	LE

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **Use of Force, Orbital Fracture**

IAB FILE NUMBER: **FO 2398894**

URN#: **915-13317-2611-145**

DATE/TIME: **September 15, 2015, 0530 hours**

LOCATION: [redacted] **Palmdale**

IAB Note: The original case number FO2386371 was inadvertently deleted. The new case number FO2398894 was issued as a replacement.

SYNOPSIS

On November 4, 2015, Internal Affairs Bureau (IAB) Sergeant Luan Dang responded to Palmdale Station regarding a use of force on September 15, 2015, resulting in an orbital fracture.

On September 15, 2015, deputies responded to a business disturbance call at the [redacted] motel. Deputy David Roach was the first unit to arrive at the location. As Deputy Roach exited his patrol vehicle, a male (later identified as Suspect David Jack) approached Deputy Roach, and said he was the person whom the motel manager called about. Deputy Roach told Suspect Jack to stand by the front of his patrol car. Suspect Jack initially refused to follow Deputy Roach's order, but subsequently complied, and placed one hand on the hood of Deputy Roach's patrol car. Deputy Roach went inside the "[redacted] motel lobby, and spoke to the [redacted] (Witness).

IAB Note: The motel lobby was directly inside the entrance, which was approximately 10 feet from Deputy Roach's patrol car. Deputy Roach could clearly see Suspect Jack as he spoke to Witness [redacted]

Witness [redacted] told Deputy Roach that Suspect Jack had broken the motel doorbell button, harassed motel patrons for money, and refused to leave the location. After talking to Witness [redacted] Deputy Roach determined Suspect Jack had vandalized the motel property, and was loitering. Witness [redacted] signed a private person's arrest **[EXHIBIT A]**, requested Deputy Roach to arrest Suspect

Jack for vandalism, and to remove him from the motel premises. As Deputy Roach spoke to Witness [redacted] Deputy Ibanez arrived at the location, and stood by Deputy Roach's patrol car.

Deputy Roach exited the motel, and briefed Deputy Ibanez. Deputy Roach instructed Suspect Jack to place his hands behind his back. Suspect Jack yelled profanities at the deputies, and took several steps backward. Suspect Jack took a fighting stance, and told the deputies he was not going to be searched. Deputy Roach utilized his handheld radio, and requested backup. Suspect Jack took his left hand, placed it on his front waist area, and concealed it underneath his button-up shirt which was draping over his pants.

Fearing Suspect Jack was retrieving a weapon, both Deputies Roach and Ibanez drew their firearms, and pointed their guns at him. Both deputies gave Suspect Jack numerous commands to turn around, and to place his hands behind his back. Suspect Jack told the deputies he was using his left hand to hold up his pants. After approximately 30 seconds, Suspect Jack finally complied with the deputies' command, turned around, interlaced his fingers, and placed his hands behind his back.

Both Deputies Roach and Ibanez holstered their firearms, and approached Suspect Jack. Deputy Ibanez was positioned behind Suspect Jack's right side, and Deputy Roach was on his left side. Deputy Ibanez used his left hand to grab Suspect Jack's hands. As soon as Deputy Ibanez placed one handcuff on Suspect Jack's left wrist, Suspect Jack pulled his right hand out of Deputy Ibanez' grip. Suspect Jack took a step forward with his right foot, turned his body completely around, and faced the deputies. Fearing Suspect Jack would assault them, Deputy Roach grabbed Suspect Jack's shoulders, and pulled him down to the ground.

Once Deputies Roach and Ibanez took Suspect Jack to the ground, Deputy Roach used his handheld radio to advise responding units he needed assistance. Deputy [redacted] was the third unit to arrive at the location, and assisted the deputies by holding onto Suspect Jack's legs. Working together, Deputies Roach, Ibanez, and [redacted] handcuffed Suspect Jack on the ground.

As Deputy [redacted] was holding onto Suspect Jack's legs, Suspect Jack kicked Deputy [redacted] in the shin. Additional Palmdale Deputies [redacted] Desiree Sanchez, Charles Dana, and Sergeant John Vensel arrived at the scene. Deputy [redacted] alerted the other deputies Suspect Jack had just kicked him. Deputy [redacted] held Suspect Jack's legs together, and requested a hobble. Deputy [redacted] placed a hobble Suspect Jack's legs to prevent him from further kicking the deputies.

Once deputies maintained control of Suspect Jack, they stood him up, escorted him out of the rain, and sat him in front of the [redacted] entrance. Deputies saw

Suspect Jack was bleeding from a cut above his right eyebrow. As the deputies waited for paramedics to arrive, Suspect Jack told the deputies he was going to spit blood on them. Fearing Suspect Jack would spit blood, Deputy Ibanez placed a spit mask over Suspect Jack's head. Paramedics arrived shortly after, and transported Suspect Jack to Palmdale Regional Medical Center (PRMC). Deputies reported their involvements in the use of force to Sergeant Vensel. Deputy Ibanez documented an incident report (SH-R-49) regarding the deputies' altercations with Suspect Jack, refer to report #915-13317-2611-145 **[EXHIBIT A]**. The remaining deputies documented their involvements in the use of force in their supplemental reports **[EXHIBIT B]**.

IAB Note: Video footage from Deputy Ibanez' camera showed Suspect Jack threatened to spit blood on the deputies (*refer to the video titled "Ibanez-personal vid" at the 7:44 mark*). During the Watch Commander's interview, Suspect Jack admitted he threatened to spit blood on the deputies, refer to the video titled "Watch Commander #2 interview" at the 5:28 mark in [EXHIBIT C]. During his IAB interview, Suspect Jack denied telling the deputies he was going to spit blood on them, *refer to Suspect Jack's transcripts on page 6.*

The physical altercation between the deputies and Suspect Jack was seen by [redacted] (Witness). Witness [redacted] was sitting inside the "[redacted] motel lobby using the Wireless Internet for Frequency Interface (WIFI), when she saw Suspect Jack sitting outside of the entrance. Suspect Jack had been at the "[redacted] motel since 2200 hours on the previous night. Several times during the night, Witness [redacted] saw Suspect Jack enter the lobby area, and ask Witness [redacted] for five dollars. Witness [redacted] refused to give Suspect Jack the money. Suspect Jack told Witness [redacted] that he was not going to leave the motel until he gets his money.

Sometime during the night, Suspect Jack entered the lobby, and asked Witness [redacted] if he could use her phone. Witness [redacted] told Suspect Jack her phone was not charged, and she did not allow him to use it. Suspect Jack walked over to the counter, and rang the doorbell. Suspect Jack then ripped the doorbell off the counter. Witness [redacted] saw Witness [redacted] tell Suspect Jack to leave, or he was going to call the police. Suspect Jack exited the lobby, went outside, and shook the vending machine. Witness [redacted] exited the motel lobby, and asked Suspect Jack what he was doing. Suspect Jack told Witness [redacted] he wanted his five dollars. Suspect Jack went back inside the motel, and yelled at Witness [redacted] Witness [redacted] called the police to report the incident.

Witness [redacted] saw two deputies arrive several minutes later, and detain Suspect Jack outside of the motel. Deputies were able to place one handcuff on

Suspect Jack's right wrist. As soon as one handcuff was secured on his right wrist, Suspect Jack lifted his left arm in the air, and prevented the deputies from securing the second handcuff. Deputies wrestled with Suspect Jack in an attempt to handcuff his loose hand. Witness [redacted] saw Suspect Jack fall face first on the ground during his struggle with the deputies. Witness [redacted] thought the deputies, and Suspect Jack, must have slipped due to the rain.

As the two deputies struggled with Suspect Jack on the ground, Witness [redacted] saw a third deputy arrive, and assist the first two deputies in handcuffing Suspect Jack. One of the deputies removed his Taser, and pressed it against Suspect Jack's back. Witness [redacted] did not see the Taser activate, but she heard the deputies tell Suspect Jack to stop resisting or they were going to Tase him. While they were on the ground, Witness [redacted] saw one of the deputies tie Suspect Jack's legs together with what she described as a rope. The deputies then assisted Suspect Jack to his feet, walked him out of the rain, and sat him down by the motel's entrance. While Suspect Jack sat at the entrance, Witness [redacted] heard Suspect Jack tell the deputies he would spit on them. Witness [redacted] told Deputy David Roach and Sergeant Robert Benning she recorded the incident on her phone. She was unable to provide the video to them at that time.

> **IAB Note: On December 30, 2015, IAB investigator contacted Witness [redacted] regarding her video. Witness [redacted] indicated she deleted the video.**

The [redacted] (Witness), was inside the motel lobby when he saw Deputies Roach and Ibanez talking to Suspect Jack. When Deputies Roach and Ibanez attempted to handcuff Suspect Jack, he resisted the deputies by raising his right arm. Suspect Jack did not allow the deputies to secure the handcuffs, and the deputies pulled Suspect Jack to the ground. Additional deputies showed up at the scene, and assisted in handcuffing Suspect Jack. Witness [redacted] was unable to elaborate how the deputies secured the handcuffs on Suspect Jack. After the deputies handcuffed Suspect Jack, they escorted him out of the rain, and sat him down in front of the motel's entrance. From where he was standing, Witness [redacted] view was blocked by the counter, and he did not see what happened after Suspect Jack was at the front of the entrance.

> **IAB Note: Witness [redacted] was interviewed by Deputy Roach and Sergeant John Vensel. The interview with Sergeant Vensel was recorded on video on September 16, 2015, refer to [EXHIBIT C] under the title "Wit [redacted]**

At Palmdale Regional Medical Center (PRMC), it was discovered Suspect Jack sustained a laceration above his right eyebrow. After a scan was completed, the doctor determined Suspect Jack sustained an orbital fracture below his left eye, refer to Suspect Jack's Medical Report **[EXHIBIT D]**. The doctor was unable to

determine when the fracture occurred, and told Sergeant John Vensel Suspect Jack's orbital fracture was consistent with blunt force.

Sergeant Vensel saw Suspect Jack had a prior injury in his left eye. Suspect Jack told Sergeant Vensel he was a victim of an assault on September 8, 2015, in Saugus, California, refer to Santa Clarita Valley Station Incident Report **[EXHIBIT E]**. In that incident, Suspect Jack was struck by a metal crowbar above his left eye. Suspect Jack was treated at Henry Mayo Hospital for a 3.5 centimeter laceration to his left eyebrow. Suspect Jack received sutures for his laceration. Sergeant Vensel believed Suspect Jack sustained the fractured orbital when he was struck by a metal crowbar, in the Saugus incident.

On November 5, 2015, IAB obtained a copy of Suspect Jack's medical record from Henry Mayo Hospital, refer to **[EXHIBIT F]**. IAB investigator spoke to Doctor John Rhee via the telephone. Doctor Rhee performed the treatment on Suspect Jack at Henry Mayo Hospital, and a Computer Tomography (CT) of the head scan was conducted. Doctor Rhee did not identify any fracture at that time.

IAB investigators responded to PRMC on February 25, 2016, and interviewed Doctor John Stroh. Doctor Stroh reviewed Suspect Jack's PRMC medical record from September 15, 2015, and confirmed Suspect Jack had a laceration above his right eye. A Computerized Tomography (CT) scan, along with a facial scan was completed. Doctor Stroh discovered Suspect Jack had sustained an acute comminuted fracture of the left-sided traumatic bone. Doctor Stroh was unable to determine the age of the fracture.

IAB investigators informed Doctor Stroh Suspect Jack was struck with a metal crowbar on the left side of his face five days prior to his contact with Palmdale deputies. Suspect Jack was treated at Henry Mayo Hospital for that incident. IAB investigators provided Suspect Jack's Henry Mayo Hospital medical report to Doctor Stroh. Doctor Stroh reviewed the report, and believed Suspect Jack must have received the fracture, when he was struck with the metal crowbar.

After reviewing Suspect Jack's Henry Mayo Hospital medical treatment record, Doctor Stroh informed IAB investigators the CT scan that was performed at Henry Mayo Hospital would only identify fractures in the skull. Suspect Jack did not have a facial scan at Henry Mayo Hospital, and the fracture was not identified at that time. When Suspect Jack was treated at PRMC, both scans of the head and the face were completed. The facial scan at PRMC allowed Doctor Stroh to identify the fracture. Doctor Stroh believed if a facial scan was completed at Henry Mayo Hospital, Suspect Jack's fracture below his left eye may have been identified.

VIDEO REVIEW

00:00 Video started when Suspect Jack was already taken to the ground, lying on his stomach, and yelling profanities at the deputies.

1:25 Deputies rolled Suspect Jack to his left side. Suspect Jack made a kicking motion, striking Deputy [redacted]

2:32 Suspect Jack yelled, "get the fuck off of me!" One of the deputies can be seen holding Suspect Jack's right arm.

2:48 Unknown deputy placed a left knee on Suspect Jack's lower back.

3:13 Suspect Jack continued to yell profanities, and told the deputies he could not breathe.

4:44 Deputies rolled Suspect Jack to his right side to search him.

6:21 Deputies rolled Suspect Jack to his right side, sat him up, and assisted him to his feet. Suspect Jack appeared to be hobbled. The hobble was not captured on video due to the angle of the video.

7:23 Deputies escorted Suspect Jack out of the rain, and sat him down in front of the motel's entrance as they waited for paramedics.

7:43 Suspect Jack can be heard telling deputies that he was going to spit blood on them.

8:12 Deputy Ibanez placed a spit mask on Suspect Jack.

10:56 Paramedics arrived.

12:01 Paramedics began treating Suspect Jack.

17:51 Deputies assisted Suspect Jack to his feet and secured him on a gurney.

INVOLVED EMPLOYEE AND WORK HISTORY

David Ibanez, Deputy Sheriff, #[redacted]
North Patrol Division
Palmdale Station

Work History

Date of Employment:	June 30, 2008
Date Assigned to Patrol/Palmdale Station:	April 5, 2015

Date Completed Patrol Training:
Prior Shooting incident(s):
Prior Founded Force Incidents: [redacted]

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Expandable paton
Handcuffs
Portable radio
Flashlight
Knife
PR-24 baton (in the trunk of his radio car)

David Roach, Deputy Sheriff, #[redacted]
North Patrol Division
Palmdale Station

Work History

Date of Employment: January 25, 2006
Date Assigned to Patrol/Palmdale Station: April 5, 2015
Date Completed Patrol Training:
Prior Shooting incident(s):
Prior Founded Force Incidents: [redacted]

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Expandable paton
Handcuffs
Keys holder
Portable radio
Flashlight
PR-24 baton (in the trunk of his radio car)

[redacted] Deputy Sheriff, #[redacted]
[redacted]

Work History

Date of Employment:
Date Assigned to Patrol/[redacted] Station:
Date Completed Patrol Training:
Prior Shooting incident(s):
Prior Founded Force Incidents: [redacted]



Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Expandable paton
Handcuffs
Keys holder
Flashlight
Knife
PR-24 baton (in the trunk of his radio car)

[redacted] Deputy Sheriff, #[redacted]
North Patrol Division
Palmdale Station

Work History

Date of Employment:	April 1, 2010
Date Assigned to Patrol/Palmdale Station:	June 7, 2015
Date Completed Patrol Training:	[redacted]
Prior Shooting incident(s):	
Prior Founded Force Incidents:	

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Expandable paton
Handcuffs
Keys holder
Flashlight
Knife
Hobble
PR-24 baton (in the trunk of his radio car)

[redacted] Deputy Sheriff, #[redacted]
North Patrol Division
Palmdale Station

Work History

Date of Employment:	June 7, 2007
Date Assigned to Patrol/Palmdale Station:	July 28, 2013
Date Completed Patrol Training:	[redacted]
Prior Shooting incident(s):	
Prior Founded Force Incidents:	

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Handcuffs
Portable radio
PR-24 baton (in the trunk of his radio car)

Desiree Sanchez, Deputy Sheriff, #[redacted]
North Patrol Division
Palmdale Station

Work History

Date of Employment:	March 19, 2012
Date Assigned to Patrol/Palmdale Station:	July 27, 2014
Date Completed Patrol Training:	[redacted]
Prior Shooting incident(s):	
Prior Founded Force Incidents:	

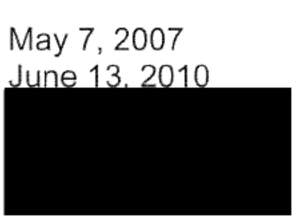
Equipment Worn On Person

Oleoresin Capsicum (OC) Spray

PR-24 baton (in the trunk of his radio car)

Charles Dana, Deputy Sheriff, #[redacted]
North Patrol Division
Palmdale Station

Work History

Date of Employment:	May 7, 2007
Date Assigned to Patrol/Palmdale Station:	June 13, 2010
Date Completed Patrol Training:	[redacted] 
Prior Shooting incident(s):	
Prior Founded Force Incidents:	

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray

PR-24 baton (in the trunk of his radio car)

SUSPECT INFORMATION

David Jack
Male, White, DOB: June 24, 1969, 6'03", 270 pounds
[redacted]
CII # [redacted] MAIN # [redacted] FBI # [redacted]

> **IAB Note: A copy of Suspect Jack's criminal history is included in [Miscellaneous Documents].**

SUSPECT'S INJURIES

Suspect Jack sustained an orbital fracture to his left eye area, and abrasions to his right elbow and knee.

DEPUTY PERSONNEL INJURIES

There were no injuries to deputy personnel.

PHYSICAL EVIDENCE

Deputy Ibanez took two digital photographs of the broken doorbell and booked the photographs into Palmdale Evidence.

INVESTIGATOR'S OBSERVATIONS

This case was not turned over to the Internal Affairs Bureau (IAB) until November 4, 2015. Initially, Sergeant Vensel believed Suspect Jack sustained the fracture below his left eye from the previous incident, where he was struck by a metal crow bar. IAB investigators did not respond to the scene, because the incident occurred nearly two months prior.

Deputy Ibanez was wearing a body camera. The camera did not activate until Suspect Jack was already taken to the ground.

The scene was photographed by Deputy Ibanez. The photographs were attached to the end of each deputy's transcripts.

WEAPON USED BY DEPUTY ROACH

Deputy Roach used personal weapons to take Suspect Jack down to the ground.

WEAPONS USED BY SUSPECT JACK

Suspect Jack used personal weapons, and kicked Deputy [redacted] in the leg.

PROPERTY DAMAGE BY SUSPECT JACK

The "[redacted]" motel doorbell.

CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation into the assault upon Deputies [redacted] Roach, and Ibanez was handled by Palmdale Station Detective Nelson Rios. The suspect was charged with three felony counts of 69PC, one count of 243(b) PC, one count of 594(a) PC, one count of 602.1(a) PC, and one count of 647(c) PC on September 16, 2015. The case was filed at Antelope Valley Superior Court under case #MA066954. The suspect was subsequently convicted of one count of 69 PC on January 28, 2016, and was sentenced to 44 months at a State Prison **[Miscellaneous Documents]**.

LIGHTING AND WEATHER CONDITIONS

The lighting condition at the location was dark, and illuminated by several small lights affixed to the motel office. The weather condition was heavy rain.

INVESTIGATION:

Internal Affairs Bureau investigators interviewed the following civilians and Department personnel: Deputy David Ibanez, Deputy David Roach, Deputy [redacted] Deputy [redacted] Deputy [redacted] Deputy Charles Dana, Deputy Desiree Sanchez, Sergeant John Vensel, Witness [redacted] and Doctor John Stroh. The interviews were digitally recorded and transcribed. For complete statements made, more information, and precise wording, see attached verbatim interview transcriptions.

> **IAB Note: Witness [redacted] interview with IAB investigators was not digitally recorded. Her interview with Field Sergeant Robert Benning was video-taped [EXHIBIT C].**

ADDITIONAL INFORMATION:

Involved Department personnel were shown photographs depicting the "[redacted] motel. The photographs were attached at the end of each deputy's transcripts.